IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2914 OF 2002
WITH
WRIT PETITION NOS.2917, 2918 & 2919 OF 2002

W. P. 2914/02 :

Laser Advertising Ltd. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai& Anr. ...Respondents.
....

W. P. 2917/02 :

Sudhir Dashrath Polekar. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai& Anr. ...Respondents.
....

W. P. 2918/02 :

Sudhir Dashrath Polekar. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai& Ors. ...Respondents.
....

W. P. 2919/02 :

Kapola Brothers Advertising Pvt. Ltd. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai& Ors. ...Respondents.
....

Mr.S. I. Menon for the Petitioner.
Mrs. Meena Doshi for Respondent No.1.
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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

July 25, 2005.

ORAL ORDER (PER DR. D. Y. CHANDRACHUD, J.):

The Municipal Corporation has revoked the permission granted to the Petitioner in respect of hoardings situated at General A. K. Vaidya Marg at Mahim Flyover Junction on the ground that the hoardings fall in a CRZ-I area and cannot be permitted for the reason that there is a violation of the notification issued on 19th February 1991 by the Union Government in exercise of powers conferred by the Environment Protection Act, 1986.

2. An Expert Committee was appointed by this Court on 2nd May 2003 to verify and scrutinize hoardings falling in the Coastal Regulation Zone. The committee submitted its report in July 1993. The hoardings forming the subject matter of these petitions are at Sr. Nos.31, 32 and 33 of the report. The Committee has in each case, noted thus :

> "Hoarding is located immediately south of the Mahim Flyover on foreshore land in the inter-tidal area of the sea. It is therefore in CRZ-I." (emphasis supplied).

We have also perused photographs produced during the course of the hearing. From photographs, it is clear that the sea actually touches the pylons of the hoardings.

3. The notification issued by the Union Government on 19th February 1991 defines a CRZ-I area as follows :

> "**Category I (CRZ-I)**:
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> -(i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.
>
> Area between Low Tide Line and the High Tide Line."

No new construction is permitted within 500 meters of the High Tide Line or between the High Tide Line and Low Tide Line.

4. In the present case, the hoardings have beenfound as a matter of fact to be situated on foreshore land in the inter tidal area of the sea. The Municipal Corporation has concurred with the report of the Expert Committee. The Petitioners have no vested right in the continuance of the hoarding structure. Public interest in

the conservation of the environment must prevail. That is in fact the mandate of the notification issued on 19th February 1991 under the Environment Protection Act, 1986.

5. There is, in these circumstances, no merit in these petitions. The petitions are accordingly rejected. However, in order to enable the petitioners to have recourse to their remedies against this judgment and order, there shall be a direction that the hoardings shall not be liable to be removed until 15th October 2005.

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